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8 Attorney for Defendant HENSEL PHELPS CONSTRUCTION CO.

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13 Attorney for Defendant ENGEL HOLDINGS, INC. DBA CABRILLO HOIST

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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 \*E-FILED - 3/26/07\*

19 MARSHALL SHALLOW } NO. C06-02204 RMW HRL  
20 Plaintiffs, }  
21 v. } STIPULATION AND ORDER RE:  
22 } CONTINUANCE OF BRIEFING AND  
23 } HEARING DATE ON DEFENDANT  
ENGEL HOLDINGS, INC. DBA CABRILLO } HENSEL PHELPS' MOTION FOR  
24 } CONSTRUCTION CO; JOHN MUELLER } SUMMARY JUDGMENT  
and DOES 1 through 20., }  
25 Defendants. }

1 Plaintiff Marshall Shallow, Defendant Hensel Phelps Construction Co. ("Hensel Phelps")  
2 and Defendant Engel Holdings, Inc. dba Cabrillo Hoist ("Cabrillo Hoist") through their attorneys  
3 of record, have met and conferred regarding Plaintiff's request for a continuance of the briefing  
4 schedule and hearing date on Defendant Hensel Phelps' Motion for Summary Judgment.  
5 Plaintiff's Counsel's health emergency appears to be resolving favorably, and Plaintiff's Counsel  
6 anticipates that he will be able to file Plaintiff's Opposition Brief to Defendant Hensel Phelps'  
7 Motion for Summary Judgment one week late, on March 16, 2007, with the hearing continued  
8 one week to April 6, 2007. Defense Counsel for Hensel Phelps has agreed to that schedule,  
9 avoiding the necessity of rescheduling trial and pretrial dates.

10 Based upon the foregoing, Plaintiff Shallow, Defendant Hensel Phelps and Defendant  
11 Cabrillo Hoist hereby stipulate and agree that all Oppositions to Defendant Hensel Phelps'  
12 Motion for Summary Judgment shall be filed on March 16, 2007, and that the hearing on such  
13 Motion shall occur on April 6, 2007, in Courtroom 6 at 9:00 a.m., before the Honorable Ronald  
14 M. Whyte.

15 **STIPULATED AND AGREED TO BY:**

16 Dated: March 9, 2007 LAW OFFICES OF JOHN RIESTENBERG

17 /S/ JOHN RIESTENBERG

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JOHN RIESTENBERG  
19 Attorney for Plaintiff SHALLOW

20 Dated: LITTLER MENDELSON

21 

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LINDBERGH PORTER  
22 MARY WALSH  
23 Attorneys for Defendant HENSEL PHELPS

24 Dated: ROBINSON & WOOD

25 

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JESSE RUIZ  
26 Attorney for ENGEL HOLDINGS, INC. DBA  
27 CABRILLO HOIST

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16 Dated: LAW OFFICES OF JOHN RIESTENBERG

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18 JOHN RIESTENBERG  
19 Attorney for Plaintiff SHALLOW

20 Dated: *March 9, 2007* LITTLER MENDELSON

21  
22 *Lindbergh Porter*  
23 LINDBERGH PORTER  
24 MARY WALSH  
25 Attorneys for Defendant HENSEL PHELPS

26 Dated: ROBINSON & WOOD

27  
28 JESSE RUIZ  
Attorney for ENGEL HOLDINGS, INC. DBA  
CABRILLO HOIST

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18 JOHN RIESTENBERG  
19 Attorney for Plaintiff SHALLOW

20 Dated: LITTLER MENDELSON

21  
22 LINDBERGH PORTER  
23 MARY WALSH  
24 Attorneys for Defendant HENSEL PHELPS

25 Dated: ROBINSON & WOOD

26 Helena S. Tad for Jesse F Ruiz  
27 JESSE RUIZ  
28 Attorney for ENGEL HOLDINGS, INC. DBA  
CABRILLO HOIST

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2     **IT IS THEREFORE ORDERED** that:

3         The date for filing Opposition Briefs to Defendant Hensel Phelps' Motion for Summary  
4         Judgment is continued to March 16, 2007, and the hearing on Defendant Hensel Phelps' Motion  
5         for Summary Judgment is continued to April 6, 2007.

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7     DATED: **3/26/07**

*Ronald M. Whyte*  
UNITED STATES DISTRICT COURT JUDGE

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